



June 30, 2015

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RE: RR 15L-13 (Florida Freedom PAC, ID Number C00521013)

Dear Ms. deBeau:

I am writing as counsel to Florida Freedom PAC ("FFP") in response to the Reports Analysis Division Referral to your office designated RR 15L-13. Thank you for the additional time to respond. I wish to make it clear that FFP has been and remains eager to resolve any concerns the Commission may have about any apparent defects or errors in its reporting.

After reviewing the materials provided related to this referral, it appears that most, if not all, of the concerns raised relate to the fact that reports filed by FFP prior to the November 2012 election contained estimates of FFP's expenditures that FFP subsequently replaced with more accurate reports of specific vendors and payment amounts in later reports. As I have sought to explain in responses to numerous RAD RFAs, the nature of FFP's canvassing and similar grassroots-based electoral efforts make it impossible to provide perfect reporting in the timeframe required by statute and Commission regulation. With dozens of canvassers (including contributed in-kind support from allied organizations) often working differing shifts on multiple races around the state of Florida, no organization would be able to file in a timely fashion accurate 24- and 48-Hour Reports listing compensation for each canvasser, allocated among the one or more federal, state, or local candidates supported by the canvass.

Therefore, FFP sought to provide good faith estimates at the beginning of its electoral efforts of the amounts to be paid in each race and then provided more accurate information in reports filed later. As a result, both payment amounts and actual vendors listed in the earlier report differ between the original estimates reported and the actual activity that was disclosed on the more accurate quarterly reports following the election. Although the exact amounts may have varied and the particular vendors (e.g. specific canvassers hired) may have changed between the estimates filed in the pre-election reports and later reports, a close comparison of both the total expenditures reported and the amounts paid to each vendor or type of vendor generally show close congruence to the estimates.

This approach has been recommended by the Commission staff. The FAQ for PACs on the Commission's website indicates that committees may provide estimates of independent expenditures on 24- and 48- Hour reports and then report the correct amount on Schedule E of the subsequent quarterly report. (See, <http://www.fec.gov/rad/pacs/FederalElectionCommission->



RAD-PACs.shtml#ie11) At the August 2013 regional conference the Commission held in Austin, Texas, Mike Hartsock, a Branch Chief with the Commission's Reports Analysis Division, likewise suggested this approach: Filing 48-hour notices with estimated expenditures and then filing more accurate information in subsequent reports.

FFP believes that this approach of reporting estimated expenditures in its reports and then filing subsequent reports with more detailed listings of the individual canvassers and other vendors best meets the policy goals of the 24- and 48-hour reporting requirements by providing the Commission, candidates, and the general public with timely notice of the targets and amounts of independent expenditures and disbursements even though the names of individual canvassers and other vendors are not known and able to be disclosed in the 48-hour reports.¹

Beyond these issues related to differences between the estimated expenditures in reports filed by FFP that do not precisely match expenditures reported later for the same period, FFP has previously acknowledged in its responses to RAD RFAs some failures to file complete or timely reports (e.g. the problem with reporting the in-kind support from SEIU-PEA in June 2012). FFP reiterates its previously expressed willingness to work with the Commission to address those concerns. If it appears to your office these other problems might constitute a material violation of the Federal Election Campaign Act sufficient to justify a recommendation that the Commission open a Matter Under Review, FFP would welcome the opportunity to resolve the matter through conciliation and would fully cooperate in that process.

Thank you for this opportunity to provide further information for the record regarding these matters. I look forward to working with your office to resolve these matters and any other matters of concern you may have regarding FFP's activities and reporting.

Very truly yours,

John Pomeranz
Counsel to Florida Freedom PAC

¹ I would add that I have (personally, and not in my capacity as counsel to FFP) previously urged the Commission to address the problems of reporting for groups engaged in canvassing and similar operations. See comments I filed in September 2011 in response to the Commission Draft Interpretive Rule on When Certain Independent Expenditures.